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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1811 OF 2006
IN
INCOME TAX APPEAL (L) NO. 833 OF 2006

The Commissioner of Income Tax ... Appellant

Versus

Shree Nivas Niryat Udyog P. Ltd.... Respondent

Mr. A.S. Rao for the Appellant.

None for Respondents.

CORAM: F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED: OCTOBER 31, 2007

P.C.

. An affidavit has been filed by one Ms. Benedicta Sequeira, Inspector setting out that the Respondents have been served.

. There is delay of 245 days in preferring the appeal. Earlier in support of the Motion, an affidavit has been filed by Mr. P.O. Kapoor, and an additional affidavit came to be filed by one Mr. B.V. Save on 18.10.2007 wherein further particular have been set out. The reasons for the delay in preferring the appeal is also set out. The Respondent though served did not appear. Considering that the contents of the affidavit have

not been rebutted, in our opinion, the cause shown would amount to sufficient cause. Hence, motion allowed in terms of Prayer Clause (a). Office to register the appeal.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**